

CONSUMER ACTION NETWORK

Of, By and For Deaf and Hard of Hearing Americans

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

January 9, 1997

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

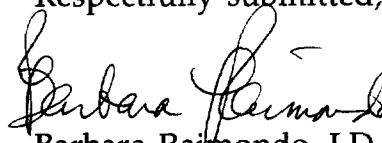
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Dear Mr. Caton:

The Consumer Action Network (CAN) submits these comments (an original and four copies) to the Federal Communications Commission on the Recommended Decision by the Federal-State Joint Board on Universal Service, CC Docket No. 96-45. CAN, a coalition of 19 national organizations of, by, and for deaf and hard of hearing Americans, addresses advocacy and legislative issues important to our constituency. Such issues include protecting the rights of deaf and hard of hearing persons, improving quality of life, empowering consumer leadership and self-representation, and ensuring equal access to education, employment, communication, technology, and community life.

CAN thanks the Federal Communications Commission for the opportunity to comment.

Respectfully submitted,


Barbara Raimondo, J.D.
Legislative Consultant

Enclosures

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REGULAR MEMBERS: American Association of the Deaf-Blind • American Athletic Association of the Deaf • American Society for Deaf Children • Association of Late Deafened Adults • Deaf Women United, Inc. • Gallaudet University Alumni Association • National Association of the Deaf • National Black Deaf Advocates • National Congress of Jewish Deaf • National Fraternal Society of the Deaf • National Hispanic Council of Deaf and Hard of Hearing People • Telecommunications for the Deaf, Inc. AFFILIATE MEMBERS: Association of College Educators: Deaf and Hard of Hearing • American Deafness and Rehabilitation Association • Convention of American Instructors of the Deaf • The Caption Center • Conference of Educational Administrators Serving the Deaf, Inc. • National Captioning Institute • Registry of Interpreters for the Deaf, Inc.

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**Before the
Federal Communications Commission
Washington, D.C.**

JAN 9 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Federal-State Joint Board on
Universal Service

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CC Docket No. 96-45

**Comments of the
Consumer Action Network**

Barbara Raimondo
Legislative Consultant
Consumer Action Network
128 North Abingdon Street
Arlington, VA 22203
703/528-0170 v/tty

January 9, 1997

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Federal-State Joint Board on)
Universal Service)

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CC Docket No. 96-45

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**Reply Comments of the
Consumer Action Network**

Introduction

The Consumer Action Network (CAN) submits these comments to the Federal Communications Commission on the Recommended Decision by the Federal-State Joint Board on Universal Service (released November 8, 1996). CAN, a coalition of 19 national organizations¹ of, by, and for deaf and hard of hearing Americans, addresses advocacy and legislative issues important to our constituency. Such issues include protecting the rights of deaf and hard of hearing persons, improving quality of life, empowering consumer leadership and self-representation, and ensuring equal access to education, employment, communication, technology, and community life.

The cost of telecommunications services is an important issue facing deaf and hard of hearing Americans. Telecommunications services are heavily used in schools, universities, the workplace, and the home. As technology advances, its use will continue to increase. Access to technology, or lack of it, will strongly affect an individual's quality of life. Our nation cannot afford to leave anyone behind in the quest for more sophisticated technology.

¹Please see signature page for a list of CAN members.

CAN thanks the Federal Communications Commission for its commitment to access for all Americans and for the opportunity to comment on this important issue. We support the comments of the National Association of the Deaf, one of our member organizations.

Universal service support mechanisms must address the access needs of students with disabilities in schools and libraries.

As technology has advanced, both mainstream schools and schools for deaf children have found ways to use technology to enhance the education of their students. Teachers rely more and more on telecommunications networks, video conferencing, and other types of telecommunications services to impart information. Some 71% of deaf and hard of hearing children attend school in a mainstream classroom. In many cases these students do not have full access to the technology used in their classroom. Universal service support mechanisms should be put in place that will ensure access for these children through hardware, software, and specialized customer premises equipment and through rate discounts.

Deaf and hard of hearing children who do not have the same access to information as their hearing peers cannot obtain an equal education, and therefore, will have fewer higher education and professional opportunities. As more classrooms rely on the Internet and long distance learning, accessibility becomes more important.

As resources for schools for children with disabilities have shrunk, these schools have had to develop more innovative ways to share information with individuals not on the campus of the school. One way schools for deaf children have done this is through video conferencing. These schools use video conferencing with other schools to teach sign language, train staff, present workshops and conferences, and for other

purposes. In order to enable this conferencing for deaf individuals using sign language, high quality full motion video in real-time is necessary. This requires a higher capacity, higher speed link than a simple talking head style lecture. The high cost of this type of videoconferencing, as well as the costs of necessary hardware, software, and specialized customer premises equipment, are costs that should be addressed by universal service principles.

Although the Individuals with Disabilities Education Act (IDEA)² currently provides some support for some activities related to educational technology for children with disabilities, it does not address the types of support requested in these comments. IDEA provides funds for a captioned film program, some captioning and video description of educational media, and some technology research projects. There is no support for hardware, software, customer premises equipment, or rate reductions. IDEA is currently in the process of reauthorization. No proposal being considered includes funding for this equipment. The reauthorized IDEA is not expected to include funds for this purpose.

Universal service support mechanisms must address the specialized customer premises equipment needs of individuals with disabilities.

The Joint Board looks to Section 255 of the Telecommunications Act of 1996 to address access for persons with disabilities to telecommunications services and equipment.³ We do not believe that such confidence is warranted. It is not known at this point what action the FCC will take in this area, including whether it will issue a rulemaking. But regardless of the Commission's action on 255, that does not negate the need for universal service support of specialized customer premises equipment, such as TTYs, signaling devices such as flashing lights, loud ringers for persons who are

²20 U.S.C. 1400 *et seq.*

³Recommended Decision ¶ 392.

hard of hearing, vibrating devices for people who are deaf and blind, and telebraille machines for individuals who are deaf and blind.

Section 255 requires that telecommunications equipment and services be accessible and usable to persons with disabilities, if “readily achievable.”⁴ This standard will allow many equipment and services to come to market without being accessible to persons with disabilities. Consumers will still have to purchase specialized customer premises equipment in order to use this equipment and these services. The costs of these can be quite high. In order to use a basic telephone, deaf and hard of hearing consumers need a TTY at a cost of approximately \$250 for a basic model, to over \$800 for a model with large visual display for visually impaired deaf or hard of hearing callers, to around \$3000 for a telebraille. This is out of the range of many deaf and hard of hearing consumers. As we pointed out in our earlier comments, individuals with disabilities have among the lowest incomes in the United States, and only 58 percent of individuals “unable to hear a normal conversation” are employed.⁵ Only about half the states have a system through which to provide specialized customer premises equipment. Many of those offer only a limited range of devices. Others have complex rules pertaining to eligibility based on income, degree of impairment, family size, and living arrangements. This results in limited distribution of specialized customer premises equipment. Universal service supports are necessary to ensure that specialized customer premises equipment be available to all consumers who require it, regardless of the state they live in or other eligibility requirements unrelated to their disability.

⁴47 U.S.C. 255 (b) and (c).

⁵Reply Comments of the National Association of the Deaf and the Consumer Action Network, In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, May 7, 1996, p. 9.

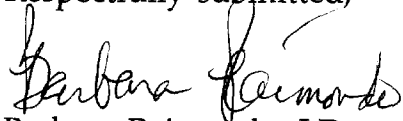
Universal service support mechanisms must address the costs of TTY long distance charges.

TTY calls normally take approximately three times longer than voice calls, resulting in much higher long distance phone bills for deaf and hard of hearing callers. At the same time, While some phone companies offer discounts to TTY users, this practice is limited. It is in part because of this high cost that many deaf and hard of hearing consumers have a low rate of phone service use as compared to hearing callers. In order to increase access to phone service for these individuals, universal service support mechanisms must be put in place that will support phone usage by this group.

Conclusion

We reiterate the importance of universal service policy addressing the access needs of students with disabilities in schools and libraries, the specialized customer premises equipment needs of individuals with disabilities, and the costs of TTY long distance charges. We thank the Federal Communications Commission for the opportunity to comment on the important issue of universal service.

Respectfully submitted,



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January 9, 1997

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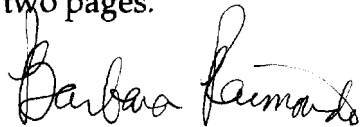
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National Association of the Deaf
National Black Deaf Advocates
National Congress of Jewish Deaf
National Fraternal Society of the Deaf
National Hispanic Council of Deaf and Hard of Hearing People
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American Deafness and Rehabilitation Association
Convention of American Instructors of the Deaf
The Caption Center
Conference of Educational Administrators Serving the Deaf, Inc.
National Captioning Institute
Registry of Interpreters for the Deaf, Inc.

Certificate of Service

I, Barbara Raimondo, hereby certify that on this 9th day of January, 1997 a copy of the foregoing Reply Comments of the Consumer Action Network were sent first class mail, postage prepaid, to the individuals listed on the following two pages.



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